

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	
<b>v.</b>	<b>:</b>	
<b>HENRY P. ALFANO</b> <b>a/k/a “Ed” or “Eddie”</b>	<b>:</b>	<b>Criminal No. 13-CR-39-8</b>

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2014, upon consideration of defendant’s Motion In Limine to exclude certain evidence, it is hereby **ORDERED** that the Motion is **GRANTED** and that the conversation of February 23, 2010 at the time of 15:04:26 between the defendant, Henry P. Alfano and witness Joseph Caristo is excluded from evidence along with any reference to the nature of the video store business and the nature of the copies of DVD videos obtained by defendant Alfano from Mr. Caristo.

**BY THE COURT:**

\_\_\_\_\_  
**HONORABLE ROBERT F. KELLY**  
**Senior United States District Judge**

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<b>HENRY P. ALFANO</b> <b>a/k/a “Ed” or “Eddie”</b>	<b>:</b>	<b>Criminal No. 13-CR-39-8</b>

TO THE HONORABLE ROBERT F. KELLY, SENIOR JUDGE OF THE SAID COURT:

**DEFENDANT HENRY P. ALFANO’S  
MOTION IN LIMINE TO EXCLUDE CERTAIN EVIDENCE**

Defendant Henry P. Alfano, also known as Ed or Eddie, respectfully by and through his attorneys, Jeffrey M. Miller, Esquire and Carmen C. Nasuti, Esquire of the Law Offices of Nasuti and Miller, 150 S. Independence Mall West, The Public Ledger Building, Suite 1064, Philadelphia, Pennsylvania 19106 respectfully request this Court to enter an Order in limine excluding certain evidence for the following reasons:

- 1) The defendant was Indicted and charged with conspiracy, mail fraud and wire fraud.
- 2) The government alleges in the Indictment that the defendant, as part of a “stream of benefits” and “gratuities” gave retired Judge Fortunato Perri copies of DVD video movies.
- 3) The government indicates that evidence will attempt to show that the defendant, at the request of retired Judge Perri, obtained copies of the DVD videos from Richard Caristo, who is a friend and business tenant of defendant Alfano and the owner of the business entitled “Venus Video”.

4) Venus Video is primarily an adult DVD video store which sells and rents adult DVD videos.

5) On February 23, 2010 at 15:04:26 p.m., the FBI, pursuant to Court authorized wire taps, intercepted and recorded a conversation alleged between defendant and Richard Caristo concerning these adult videos which contains disparaging remarks about women and clearly refers to the copies of the DVD videos in an adult manner.

6) This conversation, with its derogatory remarks toward women and the references to the adult nature of the DVD videos is extremely inflammatory and prejudicial toward defendant Alfano and has no probative value.

7) The unfair prejudice is substantially outweighed by any alleged probative value of this taped conversation and the references to adult copies of the DVD videos.

8) Accordingly, the above February 23, 2010 conversation, any reference to “Venus Video” and “adult” DVD videos should be excluded from the evidence in the trial of this case.

9) In the alternative, defendant would be willing to stipulate to the fact that defendant Alfano, at the request of retired Judge Perri, obtained copies of DVD video movies from Joseph Caristo from his video store for the retired Judge.

10) While defendant would not agree that this was done for a criminal purpose, defendant would stipulate to the fact that it was done by the defendant at the request of retired Judge Perri.

WHEREFORE, for the foregoing reasons, it is respectfully requested that this Honorable Court enter an Order in limine excluding the conversation of February 23, 2010 recording at 15:04:26 hours and any and all references to “Venus Video” and “adult” copies of DVD videos.

**Respectfully submitted:**

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**JEFFREY M. MILLER, ESQUIRE**

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**CARMEN C. NASUTI, ESQUIRE**  
**Attorneys for Defendant**

Dated: April 2, 2014

## **CERTIFICATE OF SERVICE**

AND NOW COMES, Jeffrey M. Miller, Esquire and Carmen C. Nasuti, Esquire, Attorneys for the Defendant Henry P. Alfano in the above captioned matter, and hereby respectfully certifies that a true and correct copy of the attached defendant Henry P. Alfano's Motion in Limine to Exclude Certain Evidence and supporting Memorandum of Law have been forwarded by First Class Mail to:

Anthony Wzorek, Esquire  
Assistant United States Attorney  
615 Chestnut Street, Suite 1250  
Philadelphia, PA 19106

Denise Wolf, Esquire  
Assistant United States Attorney  
615 Chestnut Street, Suite 1250  
Philadelphia, PA 19106

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**JEFFREY M. MILLER, ESQUIRE**

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**CARMEN C. NASUTI, ESQUIRE**  
**Attorney for Defendant**

Dated: April 2, 2014